

LABOUR DEPARTMENT
The 26th September, 1994

No. 14/13/87-6 Lab./464.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Industrial Tribunal-cum-Labour Court, Rohtak in respect of the dispute between the workman and the management of M/s Central Co-operative Bank Ltd., Rohtak v. Nihal Singh.

**IN THE COURT OF SHRI P. L. KHANDUJA,
PRESIDING OFFICER, INDUSTRIAL TRIBU-
NAL-CUL-LABOUR COURT, ROHTAK.**

Reference No. 34 of 1990.

between

SHRI NIHAL SINGH, S/O SHRI AKHE RAM,
VILLAGE AND POST OFFICE MOHAMAD-
PUR, TEHSIL, FATEHABAD, DISTRICT
HISAR,—Workman.

and

THE MANAGEMENT, M/S THE ROHTAK
CENTRAL CO-OPERATIVE BANK LTD.,
ROHTAK.

Present :

Shri Dhan Singh, Authorised Representa-
tive, for the workman.

Shri B. S. Suhag, Authorised Representa-
tive, for the management.

AWARD

In exercise of powers conferred by sub-clause (c) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana has referred the following dispute, between the parties, named above, to this Court for adjudication.—vide Labour Department Endorsement No. S.O.V./Roh/12-90/8914—19, dated 28th February, 1990:—

Whether the termination of services of
Shri Nihal Singh is justified and in
order? If not, to what relief he is
entitled?

2. The workman and the management were summoned. The workman appeared and filed the claim statement that he joined the services of management/respondent on 24th November 1981 on the post of Secretary and he was drawing Rs. 455 P.M. as wages, and the management charge-sheeted him.—vide dated 19th July, 1986,

which was replied and the management under pretext of domestic enquiry dismissed from service. The workman was never allowed to participate in the domestic enquiry nor relevant record and assistance of legal assistant employee was given, copies of enquiry proceedings and enquiry report were also not given to him. The management respondent violated principle of natural justice. The workman deserve reinstatement in service with full back wages and continuity of service alongwith costs.

3. The management appeared and filed the reply that the claim statement is not maintainable in the present form; the workman/applicant has no *locus standi* to file the present claim; that the workman/applicant is estopped by his act and conduct from filing the present claim statement upon the respondent; that the workman/applicant did not give any notice under the requirement of the Haryana State Central Co-operative Bank Staff Service (Common Cadre) Rules; that the workman/applicant should file an appeal before the registrar the workman Nihal Singh joined this Bank on 18th November, 1981 not on 24th November, 1981 as Secretary; at the time of dismissal from the service he was under suspension and receiving amount of Rs. 740 P.M. after deduction, charge-sheet was given to the workman under rule 27.1 of the Haryana State Central Co-operative Banks Staff Service (Common Cadre) Rules, 1975,—vide the office registered letter No. Estt/1011-12, dated 19th July, 1988. In response to the above charge-sheet he submitted his reply, dated 11th August, 1988 denying the truth of allegations. The fact is that he was habitual of committing embezzlement. He was suspended on 1st December, 1984 in the case of embezzlement and he was dismissed on 12th December, 1985 from bank services,—vide resolution No. 23, dated 30th November, 1985 on the charge of embezzlement of Rs. 2,2275—50 paise. The workman filed an appeal against the dismissal order dated 12th December, 1985 before the R.C.S., Hariana, Chandigarh, and the D.R.C.S. Hissar exercising the power of R.C.S., Haryana stopped his four annual increments with commulative effect. The workman was taken back in the service keeping in view the decision of the D.R.C.S. and order of Hon'ble Punjab and Hariana High Court and the order of Hon'ble Supreme Court. He was again reinstated and posted as Secretary, but he did not improve himself and he again committed embezzlement. He was charge-sheeted by the

management and the workman gave the reply of his charge-sheet. On this an enquiry officer Shri R. S. Ahlawat was appointed to conduct the enquiry,—vide the Endorsement No. Estt./ii/8198-8701 CBR, dated 23rd September, 1988. Enquiry Officer wrote a letter to the workman for attending the enquiry alongwith all record. The workman attended the enquiry and produce his defence. The enquiry Officer found him guilty and the enquiry officer submitted his enquiry report on 12th December, 1988 according to which, the allegations levelled in charge-sheet stand proved and a show cause notice was given to the workman. Before the Board of Administrators in its meeting held on 13th March, 1989 vide agenda item No. 22 for decision, he was also given an opportunity for personal hearing before the Board of Administrators,—vide the office letter No. Estt./11/25811, dated 4th March, 1989 under registered cover. The board of Administrators after going through the whole case i.e. charge-sheet, enquiry report and final show cause notice served upon the workman and he did not come present before the board of administrators and it found him guilty of gross misconduct i.e. embezzlement of Society money and resolved to dismiss him from service of the Bank. Three opportunities were given to him. The management did not violate the principle of natural justice, and hence the claim petition be dismissed.

4. Replication was filed by the workman. On the pleadings of the parties, the following issues are framed :—

- (1) Whether the claim is not maintainable as alleged ?
- (2) Whether the workman has no *locus standi* to file the case ?
- (3) Whether the workman is estopped from filing the case by his act and conduct ?
- (4) Whether the claim statement is bad for want of notice ?
- (5) As per terms of reference ?
- (6) Relief ?

5. My findings on the above issues with reasons thereof are as under :—

ISSUE NO. 5 :

6. This issue covers the material pleadings the facts and thus I take this issue in first instance. The workman has come into

witness box as WW-1 and closed the evidence. The management has examined R. S. Ahlawat who was also Enquiry Officer as MW-1 and *

7. The first submission made by the learned Authority Representative for the workman is that M.D. is not examined and the amount was disbursed as per direction of the M.D. It is true that the management has not examined any evidence. The workman was of the opinion that to prove his assertion he could have examined the M.D. He made assertion that management has not able to prove the allegations made against workman.

8. However, Nihai Singh has made statement that he had not received charge-sheet but he was not afforded sufficient opportunity to appear in the domestic enquiry and as he had not received the letter/papers regarding investigation. The workman has also made statement that he had not embezzled any amount. The workman also made statement that he was in custody of Rs. 40,000 which was the pay and he could not disburse in time. He also made the statement that his case regarding Rs. 40,000 has been decided by the Labour Court and what so ever was due from him he had deposited the said amount. The workman admitted that before this he was suspended twice; he had not received any letter regarding use of cash in hand but he received oral instruction and he had taken to about Rs. 45,000 before the award of Rs. 40,000 was passed the amount which comes Rs. 45,000 which has taken had deposited with the management.

9. The management has examined Shri R. S. Ahlawat, Senior Accountant that he had summoned the workman for 5th December, 1988 to appear in the enquiry and on that day the workman, Shri A. S. Khasa, E.O. and Rajesh Kumar Secretary had appeared. 11 allegations were against the workman out of which one is not proved and he had asked the applicant to produce any defence evidence, but the workman made the statement what so ever he made statement on 11th August, 1988 shall remain same statement.

10. It is proved that Mr. Ahlawat is the employee in the respondent Bank of M.D. and who had taken the said action against the workman. The learned Authority Representative for the workman made submission that as Mr. Ahlawat, E.O. was employee of the respondent/management, therefore he did do proper

enquiry. The learned Authorised Representative for the management Mr. B. S. Suhag made submission that the enquiry was to be conducted by person of the management and no other person though no evidence have been produced before me and that I am of the view that the management is to appoint any employee of bank to hold enquiry against the workman and on the appointment of enquiry officer the workman has no allegation as to whether had any malice against the workman or he pass superfluous orders and thus I am of view that the Enquiry Officer Ahalawat had done the enquiry and had not been affected by malice and reliance can be placed on his report.

11. The question is whether the Enquiry Officer had given full chance to the workman to appear before him and to examine, cross-examine witnesses. The Enquiry Officer had not recorded the statement of any person. Statement of Nihal Singh is recorded by the Enquiry Officer whatsoever he was stated on 11th August, 1988 shall be his statement. Finding that workman does not want to take any statement the Enquiry Officer had thought not to record any statement of any witness at all.

12. The learned Authorised Representative for the workman also made submission that M.D. had not been examined to prove that the workman has disbursed the amount as per direction of the M.D. The question is not whether M.D. had given direction to the workman to disburse the amount or not if M.D. is not examined by the management he could be examined by the workman. The workman has admitted in cross-examination and his claim statement that he had deposited the amount on the next following day and after a day but it is proved that he kept the amount in his pocket.

13. The question was raised by the learned Authorised Representative for the workman that the workman was not supplied any copy of the documents by the management or other documents. The learned Authorised Representative for the management Mr. B. S. Suhag made submission that the workman had deposited the money. It is proved that he was given record as demanded. The record was inspected by the Audit party. It was directed that the amount was with the applicant. The applicant to be required to pay the amount and had paid every penny with interest. It is proved that amount was with the applicant. Though the

learned Authorised Representative for the workman had relied Chandershekhar case cited in 1979 Lab. I.C. 205 but it is not applicable. The question was raised by the applicant that the workman was entitled to take the help of any worker or lawyers and case law has not produced on the subject and no enactment has been produced before me to show that the workman is entitled the help of other workers or lawyers. There is no law if the management is to supply the help of any worker or any lawyer. The question was raised that any witness was not examined and no opportunity to cross-examine the witness was given to the workman. No witness was examined by the Enquiry Officer. The enquiry Officer has not recorded the statement of every witness and statement of workman was taken on 5th December, 1988. When the workman is making statement he is not given the record, charge-sheet. I am of the view that the Enquiry Officer is not bound to record the evidence because the final show cause notice was issued to the workman after conduction of the most probably the enquiry. However, Ex. MW-1/1 does show that charge-sheet was served upon the workman under rule 27(1) of the Haryana State Co-operative Staff Service (Common Cadre) Rules 1975 and his reply of the charge-sheet dated 11th August, 1988 denied the truth of allegation Shri R. S. Ahalawat, Senior Accountant was appointed as Enquiry Officer to hold the enquiry, charge-sheet served upon the workman. He submitted his enquiry report within 15 days. Notice was issued to the workman to appear in the enquiry.

14. Ex. MW-1/2 is issued by the enquiry officer asking the attendance that the workman before him in the enquiry on 5th December, 1988. Ex. MW-1/3 is the attendance sheet showing Mr. A. S. Khasa, Enquiry Officer. Mr. Rajesh Kumar, Secretary and Nihal Singh workman was present. This attendance sheet was prepared on 5th December, 1988. On 15th December, 1988 workman had made statement that he did not make statement.

15. Ex. MW-1/5 is the enquiry report showing that the Enquiry Officer had conducted enquiry of the workman on 5th December, 1988 in the office of Mini Bank Rohad. Report shows that the workman stated in his reply dated 11th August, 1988 as that worthy M.D. Sahib had given verbal permission to him for utilize the cash in hand of the society till the realization of his arrears which due. After going the record

charges No. 1 to 9 are proved but charge No. 10 is not proved. Only relied upon the management is that as the workman had deposited the whole amount. There was no need any evidence in the enquiry. The workman has stated that he had received the amount on the next evening kept in possession and deposited on the next day.

16. It is true that the applicant had already been suspended twice. I am of the view that this is not proper way to conduct the enquiry against the workman. The statement of workman is not produced in the enquiry. Statement recorded in the enquiry has not been placed on the file. The statement of the applicant was must on the record to show as to what he say. As the statement made by the workman is that as he had received money in the evening and kept the money with him and deposited next following day. I decided this issue in favour of the workman.

ISSUE NO. 1 TO 4 :

17. All these issues are not present or argued. Hence all the issues are decided against the management.

ISSUE NO. 6 (RELIEF) :

18. The management is at liberty to conduct afreshly same enquiry according to rules I hold that the workman is entitled to be reinstated with 50 per cent (FIFTY) of back wages. The reference is answered and returned accordingly, with no orders as to costs.

The 5th August, 1994.

P. L. KHANDUJA,
Presiding Officer.
Industrial Tribunal/Labour Court.
Rohtak.

Endorsement No. Reference 34-90/2021, dated 22nd August, 1994.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh.

P. L. KHANDUJA,
Presiding Officer,
Industrial Tribunal/Labour Court,
Rohtak.

No. 14/13/87-6 Lab./474.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Industrial Tribunal-cum-Labour Court, Rohtak in respect of the dispute between the workman and the management of M/s Transport Commissioner Haryana v. Ram Diya.

IN THE COURT OF SHRI P. L. KHANDUJA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ROHTAK.

Reference No. 476 of 1989.

between

SHRI RAM DIYA, WASHING BOY, S/O SHRI CHAND, C/O 2/216, C.I.T.U. OFFICE, KOTH MANDI, SONEPAT.—workman

and
THE MANAGEMENT OF M/S (1) TRANSPORT COMMISSIONER, HARYANA, CHANDIGARH.
(2) GENERAL MANAGER, HARYANA ROADWAYS, SONEPAT.

Present :

Shri M. S. Rathi, Authorised Representative, for the workman.

Shri Sukhbir Singh, Authorised Representative, for the management.

AWARD

In exercise of powers conferred by Sub-clause (c) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana has referred the following dispute between the parties, named above, to this Court for adjudication,—vide Labour Department Endorsement No. SOV/Sonepat/85-89/38680—86, dated 7th September, 1989 :—

Whether the termination of services of Shri Ram Diya is justified and in order? If not, to what relief he is entitled?

2. The workman and the management were summoned. The workman appeared and filed the claim statement that he was posted as Washing Boy on pay of Rs. 660 P.M. with the respondent/management since the work and conduct of the workman is always be good but

the management has no complaint etc. but the management without any assigning any reason or reasonable cause terminated his services of the workman by the order dated 22nd April, 1989 and new employee appointed in place of workman. The management has contravened the provisions of Section 25-F of the Industrial Disputes Act and this claim statement filed that he is liable to be reinstated with continuity of service and full back wages.

3. The management filed the written statement that the workman was appointed as washing boy on daily wages with effect from 1st December, 1988 to 31st December, 1988 at the rate fixed by the D.C. Sonepat and services were liable to be terminated at any time without any notice services of the workman were extended month to month up extended 31st March, 1989 and he worked for four months and this case is covered under Section 2(oo) (bb) of the Industrial Disputes Act and there is no violation of Section 25-F of the Industrial Disputes Act as services of the workman are less than 240 days and hence reference petition be dismissed with costs.

4. Replication was filed by the workman. On the pleadings of the parties, the following issues are framed :—

(1) As per terms of reference ?

5. My findings on the above issue with reasons thereof are as under :—

ISSUE NO. 1 :

6. The workman has come into witness box as WW-1 and closed the evidence. The management has examined Shri Krishan Kumar, Record Keeper as MW-1 and Shri Jagbir Singh, Works Manager, H.R. Sonepat as MW-2 and closed the evidence.

7. The workman has made statement that he was working as washing boy with the respondent/management since 7th January, 1988 on pay of Rs. 660 P.M. and services were terminated on 1st April, 1989 without any cause or reason or payment of retrenchment compensation and notice and after his termination new person was appointed. The workman produced on record in his evidence Ex. WW-1 to Ex. WW-5.

8. MW-1 Shri Krishan Kumar has appeared and made statement that after expiry of

extension of period order were passed and he verified the service record of the workman upto 1st December, 1988 to 31st March, 1989.

9. The management has examined two witnesses who deposed that the workman had worked as washing boy. Shri Krishan Kumar record keeper has made statement that he could not produce attendance register of the workman as the same is burnt. Shri Jagbir Singh also admitted that the presence of the workman was entered in the muster rolls but he could say that his presence is marked in the payment of wages register or not. He also admitted that the applicant was used to work on daily wager and any person working as daily wages used to be appointed by the General Manager. He also admitted that the workman was again called on the job on 1st December, 1988.

10. Ex. MW-1/1 is the photostate copy of chit of Ram Diya certified that Shri Ram Diya, S/o Shri Siri Chand is working as daily wages, washing boy in the service and this chit is valid upto 31st March, 1988. but it is also mentioned in the chit that the workman had worked from 1st October, 1987 to 31st October, 1988. 1st September, 1988 to 30th September, 1988. It is also mentioned in the chit that this Identity Card is valid upto 30th June, 1988.

11. Ex. WW-1/3 is the order passed by the General Manager in the name of Shri Ram Diva applicant who working as washing boy with effect from 1st January, 1989 to 31st January, 1989. Ex. MW-1/2 is the office order of General Manager appointing to Shri Ram Diva as daily wager washing boy with effect from 1st December, 1988 to 31st December, 1988. Ex. MW-1/5 is the office order of the General Manager is that the applicant is appointed as washing boy on daily wages with weekly rest from 1st March, 1989 to 31st March, 1989. Ex. MW-1/4 is office order passed by the General Manager showing that the applicant was appointed from 1st February, 1989 to 28th February, 1989.

12. Mr. Sukhbir Singh made the submission that as the workman was working as daily wager so he is not entitled to continue on the job. His further submission was that his pay was fixed on the D.C. Sonepat rates and thus the services of the workman are liable to be terminated at any time without any notice. He further submission was made that the services of the workman were extended month to month upto

31st March, 1989 and he worked for four months.

13. On the other hand the applicant has brought on the record order Ex. WW-1/3 proving that Ram Diya was appointed as washing boy on daily wages with weekly rest with effect from 1st January, 1989 to 31st March, 1989, 1st December, 1988 to 31st December, 1988, 1st March, 1989 to 31st March, 1989, 1st February, 1989 to 28th February, 1989 and he further proved from the written chit of Ram Diya and the order was passed on the chit which is photo copy of which is Ex. WW-1/1 that he worked at least five months and it is mentioned that on the chit that he worked from 1st August, 1988 to 31st August, 1988, 1st October, 1988 to 31st October, 1988, 1st September, 1988 to 30th September, 1988 1st June, 1988 to 30th June, 1988 in this way he worked for eight months and he worked for about more than 240 days in a year and not less than 240 days.

14. It is proved from the evidence on the record that the workman has worked for 240 days in a year and his services were not terminated in accordance with Section 25-F of the Industrial Disputes Act, thus the termination of services can be called illegal and unwarranted by law. As such I decide this issue in favour of the workman.

15. In view of my finding on the above issue, I accept the reference petition filed by the workman and direct the management to re-employ the workman with effect from the date his services were terminated and with 50 per cent (FIFTY) of back wages. The reference is answered and returned accordingly, with no orders as to costs.

The 16th August, 1994.

P. L. KHANDUJA,

Presiding Officer,
Industrial Tribunal/Labour Court,
Rohtak.

Endorsement No. Reference 476-89/2019, dated
22nd August, 1994.

Forwarded, (four copies) to the Secretary
to Government, Haryana, Labour and Employment
Departments, Chandigarh.

P. L. KHANDUJA,

Presiding Officer,
Industrial Tribunal/Labour Court,
Rohtak.

No. E4/12/87-6 Lab./475.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of Presiding Officer, Industrial Tribunal-cum-Labour Court, Rohtak in respect of the dispute between the workman and the management of M/s Co-operative Sugar Mills Ltd. Sonepat v. Janeshwar Singh.

IN THE COURT OF SHRI P. L. KHANDUJA,
PRESIDING OFFICER, INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ROHTAK.

Reference No. 100 of 1990.
between

SHRI JANESHWAR SINGH, C/O SHRI M. S. RATHI, OPPOSITE AGGARWAL DHARAM SHALA SONEPAT.—Workman.

and

THE MANAGEMENT OF M/S SONEPAT CO OPERATIVE SUGAR MILLS LTD. SONEPAT.

Present :

Shri M. S. Rathi, Authorised Representative, for the workman.

Shri Rajvir Singh, Authority Representative, for the management.

AWARD

In exercise of powers conferred by Sub-Clause (c) of Sub-Section (1) of Section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana has referred the following dispute, between the parties, named above, to this Court for adjudication.—vide Labour Department Endorsement No. SOV/Soni/40-90/36541, dated 13th September, 1990 :—

Whether the termination of services of Shri Janeshwar Singh is justified and in order ? If not, to what relief he is entitled ?

2. The workman and the management were summoned and served. The workman appeared and filed the claim statement that he was in the employment of the respondent as cane clerk since 9th December, 1977 on the pay of Rs. 1,160 P.M. That the Managing Director of the respondent served upon him a charge sheet

dated 2nd December, 1988 containing false and fabricated allegation the petitioner had given the reply to the charge-sheet denying the allegations; the management appointed Shri R. K. Chhatwal to enquire into the allegations; from the findings given by the enquiry officer and the statement of witnesses recorded by him, it cannot be established that the petitioner had committed any act of misconduct; the Managing Director of the respondent,- vide his letter dated 12th September, 1989 terminated the services of the petitioner on the basis of the findings of the Enquiry Officer, which is illegal, wrong and unjustified; the findings of the enquiry officer that slip No. 20520 was issued during his duty hours is perverse and not based upon any evidence nor there is any evidence to prove that the said slip was issued during the period from 25th November, 1988 at 6-00 P.M. to 26th November, 1986 at 2-00 A.M. Hence this claim statement is filed that he be reinstated with continuity of service and full back wages.

3. The respondent filed the written that the applicant was not appointed on permanent post; the charge-sheet was issued to the applicant according to true facts; charge-sheet was true that the petitioner had committed the act of misconduct and Shri Janeshwar had been proved guilty; it was quite clear from the enquiry report and evidence on record that the petitioner was involved in cheating the mills moreover to give fair justice and the applicant was given the opportunity of personal hearing and he could not prove his innocent. Hence claimstatement of the petitioner is liable to be dismissed.

4. Replication was filed. On the pleadings of the parties, the following issues are framed :—

- (1) Whether the respondent had conducted a proper and valid enquiry before passing the impugned order ?
- (2) As per terms of reference ?
- (3) Relief.

5. My findings on the above issues with reasons thereof are as under :—

ISSUE NO. 1 :

6. The workman come into witness box as WW-1 and closed his evidence. The management has examined Shri R. K. Chhatwal, who conducted enquiry as MW-1, MW-2 is Mahender

Singh, Cane Clerk, MW-3 is Shri Mahabir Singh, Yard Supervisor and MW-4 is Shri Rajbir Singh and thereafter the evidence was closed.

7. The learned Authorised Representative for the workman had filed the written arguments which are that the broad features of the petitioner's case are that from the findings of the E.O. and the statements of the witnesses recorded by him during the enquiry proceedings, it has not at all been established that he had either committed any act of misconduct or was otherwise remotely involved in the case and therefore the termination order dated 12th September, 1989 issued by the M.D. on the basis of the findings of the E.O. is illegal and unjustified. It is further pleaded in writing that the petitioner has not challenged the enquiry proceedings. It was otherwise, also not a disputed point between the parties and therefore, issue No. 1 has been wrongly and inadvertently treated as preliminary issue. From the fact of proper enquiry it can not be ipso facto held that the termination of the petitioner is legal, proper and justified.

8. The learned Authority Representative for the workman has drawn my attention to the charge-sheet Ex. MW1/1. The allegation levelled against the petitioner is that the prepared parchi No. 20520 fraudulently and attempted to cause financial loss to the Mills. But from this document it is not understood as to how the petitioner was involved in the case, what was his connection with Shri Balraj Chowkidar, who allegedly went to Mohinder Singh punchi, in whose possession the alleged weighment book was when it was checked by Mahinder Singh. MW-2/1 is the enquiry report. When the petitioner began to use weighment book beginning with purchi No. 20501 it was his duty to check the entire book and if he had detected some alteration therein, he should have brought the same to the notice of the Higher Authorities.

9. The intention of the delinquent employees has been to embezzle the amount of the mills. Because it had not been so he must have brought such a clear matter of fraud to the notice of the management.

10. In view of the findings of the E.O. the petitioner has not been found guilty of the charges levelled against him. He was not given an opportunity to be heard. Since the M.D. has passed the order of termination of services of the applicant on extraneous grounds i.e. on the basis of the allegations and other than those of the charge-sheet,

11. Mr. M. S. Rathi Authority Representative for the workman has brought to my notice the statement made by the Enquiry Officer, Raj Kumar Chhatwal as MW-1 which is as under :—

"There are three shifts in the mills for weighment clerk. It is also correct that one clerk goes, another person takes over the work. There is no such system in the mill by which an other person takes the parchies by counting the same from the out going persons or take the charge properly. It is not on the record as to how and from whom the weighment parchi was detected. According to record the parchi was detected on 25th November, 1988 by Mahinder Singh punching clerk. It was detected from a Jamidar. It is correct that it was in the shift period to the shift in which the parchi was detected. It is not proved the said parchi was from the current book or from an other one. He has not verify as to in whose writing the said parchi was because it was not legible. He cannot say that it was in the hand-writing of the workman. It is not my record as to when the parchi was prepared by Janeshwar as it does not contain time nor there is any eye witness. According to my record no connection has been found between the petitioner and the cane supplier".

12. Besides the written arguments the learned Authority Representative for the workman also brought to my notice the charge-sheet which is on Court produced file on 25th November, 1988 your (workman) were not on duty as weighment clerk from 6-00 P.M. to 2-00 A.M. Shri Bal Raj Singh daily wages (weighment chowkidar) who was not even on duty at that time came along an other person to Mohinder Singh S/o Shri Sukh Dass, Punching Clerk to got the weighment parchi No. 20520 dated 25th November, 1988, on which token No. 106 and the loaded and unloaded tractor trolley was recorded as 61.20 Qt. and 14.50 Qt. As it was in the knowledge of Mahinder Singh punching clerk that at the time of the weighment of the tractors with token number near about 40—50 was going on and so, he suspected the matter. He at once informed Mahabir Singh Yard Supervisor of the same. Mahabir Singh immediately checked the weighment book and detected that after

having left some parchies blank at the beginning of the book purchi No. 20520 was found to have been issued from inside thereof. It is in evidence that then from was prepared this parchi fraudulently. In this manner you have attempted to cause financial loss to the mills by fraud. In view of the above facts you are required to submit your explanation direct to the Enquiry Officer within seven days from the date of the receipt of this letter. In case reply is not given within fixed time, ex parte proceedings will be initiated against you under the rules.

13. The management has examined Shri R. K. Chhatwal who also made admission there is no system that when another person takes parchi before 1st person has not count the parchi and Bal Raj Singh posted as weighment chowkidar and he could not tell whether said parchi was taken into custody by Bal Raj Singh or not and further made statement that the enquiry report does not convey the applicant as who had taken into custody the parchi of weighment. According to his record the parchi of weighment was taken in custody by Mahabir Singh Punching Clerk on 25th November, 1988. He also made statement that when applicant was gone to do get is punchi for punch, he cannot say that to who was on the duty. It is admitted that before the parchi of Bal Raj was taken in the custody he was in the first shift and he could not tell said parchi was punched or not. He could not tell as to who had written the said parchi. He can not say whether the handwriting is that of the applicant or not. He was also made statement that the applicant has no concerned with cane supplier and if the parchi was taken in the custody, the payment should have been made to can supplier. He also made statement that according to him the parchi before and after bogus parchi or made are in the hand-writing of the applicant and it parchi should be in hands of the applicant. He also made statement that the bogus parchi was issued in the shift of the applicant. therefore he held the applicant was liable.

14. Ex. MW-1/2 charge-sheet. Ex. MW-1/2 is photocopy of the enquiry report of the Enquiry Officer. Its shows that the applicant was guilty and his services were terminated. Ex. MW-1/4 statement of Dalip Singh and he stated that he had not known about this case. Ex. MW-1/5 is the statement of Mahabir Singh and who made statement that one Jamindar had brought cane and he had given him one parchi which was

blank and that there was one more purchi. Mahabir Singh was also present was the workman and he said this trolley belongs to Mahabir Singh cane supplier and to purchased the purchi but he received blank purchi. Ex. MW-1/9 is statement of Ramesh Kumar who made statement that one person had told him that Bal Raj Singh has calling him and he could not say anything more.

15. From the evidence coming on the file I am of the definite opinion that the Enquiry Officer as he has reported that he can not say definite whether the said purchi was purchased by the applicant or by some other one. So I am of the view that the purchi at all is not purchased by the workman.

16. For the above said reason I am of the view that the respondent has not conducted the proper and valid enquiry before passing the impugned order. I decide this issue against the management and in favour of the workman.

ISSUE NO. 2 :

17. In view of my findings on the above issue I accept the reference petition and I decide this issue in favour of the workman.

ISSUE NO. 2 (RELIEF) :

18. In view of my findings on the above issues I accept the reference petition and hold that respondent had not conducted the fair and proper enquiry and I set aside the enquiry and impugned order passed by the respondent. I hold that the workman is entitled to be reinstated with continuity of service and 50 per cent (FIFTY) of back wages. The reference is answered and returned accordingly, with no orders as to costs.

The 18th August, 1994.

P. L. KHANDUJA,

Presiding Officer.
Industrial Tribunal/Labour Court,
Rohtak.

Endorsement No. Reference 100-90/2039. dated
23rd August, 1994.

Forwarded. (four copies) to the Secretary to Government Haryana, Labour and Employment Departments, Chandigarh.

P. L. KHANDUJA.
Presiding Officer.
Industrial Tribunal/Labour Court.
Rohtak.

No. 14/13/87-6 Lab./477.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of Presiding Officer, Industrial Tribunal-cum-Labour Court, Rohtak in respect of the dispute between the workman and the management of M/s Central Co-operative Bank Ltd. Sonepat v. Bishan Dass.

IN THE COURT OF SHRI P. L. KHANDUJA,
PRESIDING OFFICER, INDUSTRIAL TRIBU-
NAL-CUM LABOUR COURT, ROHTAK.

Reference No. 7 of 1991.

between

SHRI BISHAN DASS, C/O SHRI M. S. RATHI,
OPPOSITE AGGARWAL DHARAMSHALA
SONEPAT,—Workman.

and

M/S SONEPAT CENTRAL CO-OPERATIVE
BANK LTD.. SONEPAT,—Management.

Present :

Shri M. S. Rathi, Authorised Representa-
tive, for the workman.
Shri M. C. Bhardwaj, Authorised Repre-
sentative, for the management.

AWARD

In exercise of powers conferred by Sub-
Clause (c) of Sub-Section (1) of Section 10 of
the Industrial Disputes Act, 1947, the Governor
of Haryana has referred the following dispute,
between the parties, named above, to this Court
for adjudication,—vide Labour Department
Endorsement No. S.O.V./ID/Soni./61-90/
48953--58, dated 28th December, 1990 :—

Whether the termination of services of
Shri Bishan Dass is justified and in
order ? If not to what relief he is
entitled ?

2. The workman and the management were
summoned. The workman appeared and filed his
claim statement that the workman was working
as Secretary for the period from year 1979 to
15th November, 1988 with the respondent and
was drawing Rs. 1,225 per month; that the res-
pondent bank is under the control of the state
Government. it is managed by the managing
director and the Board of Directors who are
removable by the State Government. The

Managing Director is appointed removed and transferred by the Government the petitioner was served with the charge-sheet dated 5th October, 1987 and 29th January, 1988 containing false and baseless allegations of embezzlement and absence from duty; the M.D. had,—vide his letter dated 18th March, 1988 appointed Shri V. S. Nandal, Development Officer, C. B. Gohana as Enquiry Officer to inquire into the allegation levelled against the petitioner. On the basis of the report of the E.O. the M.D. dismissed the petitioner,—vide letter dated 31st October, 1988 which was communicated to him on 15th November, 1988. The petitioner made an appeal to the Registrar Co-operative Societies, Haryana, Chandigarh which was dismissed by him.—vide his letter dated 27th March, 1987. That against the decision of the Registrar, the petitioner made a revision petition to the Secretary-cum-Commissioner, Co-operative Department Haryana which was also rejected on 14th May, 1990 on the ground that the same was not maintainable. That the dismissal of the petition is illegal wrong *mala fide* and discriminatory on the basis of the following grounds :—

(i) Regarding the allegations contained in the charge-sheet dated 27th July, 1988, it is the finding of the E.O. Given in his report that the Arbitration case was referred to the Departmental. The arbitration Award was given against the petitioner and the Saleman Shri Daya Nand. In compliance to the Award the petitioner and the saleman jointly deposited Rs. 2,755 as Principal and Rs. 455 as interest in the society on 22nd April, 1988,—vide receipt No. 218536. In view of these findings of the E.O. there remains no allegations against the petitioner. Likewise from the findings of the E.O. has held, "I do not find a serious allegations in this regard on the Secretary". He has further held, "The deposition of the Secretary is justified and the charge is not proved.

(ii) In the charge-sheet dated 28th January, 1988 it was the allegation against the petitioner that he has embezzled Rs. 31622.20 by way of accounting for less sale proceeds of the fertilizer in the stock of the Mohan Consumer Co-operative and Service Society Ltd., and that he embezzled Rs. 3,118 as being the amount of shortage of consumer

goods in the society. That there was a salesman in the society who was entrusted with the society duty of selling fertilizer and handling the stock of Consumer Goods. The petitioner can not be held responsible for the alleged embezzlement. This case was also, referred to Shri Balbir Singh Assistant Registrar, Co-operative Societies, Sonepat for Arbitration. He has given the findings that since the amount has been deposited the case be filed.

(iii) The order of the dismissal of the petitioner is discriminator in so far as there are number of the cases in your Bank in which the Secretaries of the Societies were charge-sheeted and suspended like the petitioner for the similar alleged embezzlement. But on having deposited the alleged amount of embezzlement their suspension order were revoked and charge-sheets withdrawn and they were reinstate. The said person are Shri Balbir Singh, Secretary of the Farmana C.C. and H.S. Society Ltd., in the year 1988. Shri Ram Phal Secretary of the Bohla C.C. and S.S. Ltd., in the 1988.

(iv) The workman was given charge-sheet for embezzlement and the embezzled amount were deposited by the workman. No disciplinary actions were taken against the employees namely Shri Dilbagh Singh, Secretary Shri Dhara Singh, Branch Manager in the year 1990, Shri Lakhmi, Secretary, Shri Mool Chand, Secretary and Shri Mohinder Singh S/o Shri Preeta, Secretary of Gangana Co-operative Credit and Service Society.

3. Since the respondent is Bank is a state as defined article 12 of the Constitution of India, it can not discriminate between its employees. Hence this claim petition is filed for reinstatement with continuity of service and full back wages.

4. The respondent/management appeared and filed the written statement pleading that the reference is barred by the principles of res judicata; the Bank is a registered Co-operative Society and not a Department of the Government

it has its own Board of Directors under the Haryana Co-operative Societies Act, 1984 and rules; the charge-sheet were served upon the workman which are levelled against him were true and based on facts; these charges also stand proved by the Enquiry Officer and confessed by the applicant itself as part of the amount of embezzlement; the enquiry report was considered by the Board of Director of the Bank and it was decided to serve final show cause notice to the applicant for dismissal from the Bank service. After the service of the final show cause notice and affording him hearing in person the B.O.A.—vide resolution No. 12 dated 31st October, 1988 decided to dismiss the applicant. The Managing Director of the Bank was authorised to issue regular orders. It is admitted by the applicant and he has filed an appeal which was dismissed. The workman deposited Rs. 3179-88 total worth Rs. 47216-08 were detected by auditors against the petitioner including the embezzlement charges levelled against him in the charge-sheet. The applicant has confessed the charges and deposited Rs. 5,000 on the same day.—vide receipt No. 174532 on 31st October, 1988 and Rs. 4133-40 got adjusted out of his arrears etc. on 30th November, 1988 on his written request. The past record of the petitioner was also not satisfactory as he remained under suspension from 13th June, 1983 to 4th July, 1984, 7th September, 1984 to 9th January, 1985, 1st January, 1988 to 14th November, 1988 i.e. date of dismissal from service. For various acts of omissions and commissions he was awarded punishment of stoppage of annual increments twice as under:—

- (1) Two annual increments without cumulative effect were stopped.—vide order No. Estt./84-85/SCB/22946-48, dated 12th March, 1985.
- (2) One annual increment with cumulative effect was stopped.—vide order No. Estt./84-85/SCB/31338-41, dated 5th June, 1985.

Hence the reference petition and claim petition be dismissed with costs.

5. Replication was filed. On the pleadings of the parties, the following issues were framed :—

- (1) As per terms of reference ?
- (2) Whether the management had conducted a fair and proper enquiry ?

(3) Whether the reference is barred under Section 11 C.P.C.

(4) Relief.

6. My findings on the above issues with reasons thereof are as under :—

ISSUE NO. 1 & 2 :

7. Both these issue being on same facts hence both these issues are taken together for decision. The workman has come into witness box as WW-2 and also examined Shri Tek Chand as WW-1 and closed his evidence. The management has examined Vijay Singh Nadla as WW-1 and closed their evidence.

8. The first plea raised by the learned Authority Representative for the workman is that Ram Chander had given Rs. 2,755 to the applicant as not been examined. It is true that he has not been examined. If the applicant has not examined him, it was for the respondent to have examined him.

9. The question now raised for decision by me is whether Ram Chander was to be examined by the applicant or by the respondent. The applicant was required to prove that he had disbursed Rs. 2,755 and was for the respondent to prove that he given loan to Ram Chander and not for the management to have examined the witness Ram Chander to prove that he was not given any loan of Rs. 2,755. The management had examined the evidence on the point and was it for the respondent to prove said point by examination of Ram Chander that he had never received Rs. 2,755.

10. The question raised before me is whether examination of applicant was most necessary or not. I have gone through the enquiry papers. The M.D. had relied upon the report of the Inspector Co-operative Society, Sonipat bearing receipt No. 13023 dated 26th May, 1987, reports of E.S.'s, C.B., Gohana and Ganaur No. 1 regarding of the concerned Society.

11. The list of allegations made by the respondent against applicant is that he sold 43+18+6+64 bags of fertilizer and he had not deposited the said amount to the respondent/management. The applicant was given charge-sheet for reply and the applicant had given the reply. The workman had taken the plea that it

was fault of salesman and not his. The applicant made the statement by reply that he was present when the bags of fertilizer are sold. The enquiry report is Ex. M-6 by V. S. Nandal, Enquiry Officer. Final show cause notice is Ex. M-7. Reply filed by the applicant is Ex. M-8. When the applicant is giving reply that amount to making statement and nothing more. The applicant had also given the reply which is Ex. M-11 to the management. There is recorded statement Ex. M-12 of the applicant, the Chairman/Administrative Mandal, Co-operative Bank, Sonepat has been showing that the applicant was present before making present on 31st October, 1988 and he had deposited Rs. 5,000 in the Bank in presence of Administrative Committee. He produced the copy of receipt No. 17543 and has requested to deduct the amount from his very pay and from other allowances drawn.

12. It is thus proved that the workman is making three statements before Administrative Committee that amounts to making statement in enquiry and hence this plea does not stand.

13. The question raised now is that it was duty of salesman to disburse the bags and not of applicant. When the secretary had disbursed the bags though may be duty of salesman he should be held liable and not the salesman. Now the plea of the workman taken before the Authority Representative is that E.O. has not produced documents and witnesses. When the applicant is depositing Rs. 5,000 in the Bank and producing the receipt before Administrative Committee. It is proved that he had embezzled the said amount. Then the applicant had not be challenged the enquiry. When enquiry was not be challenged, the applicant takes plea before this Court that the enquiry conducted has not be properly conducted does not stand and thus I agree with the contention of learned Authority Representative for the management that nothing can be said regarding enquiry.

14. The question is whether the enquiry officer has power to decide the enquiry or not. He being officers of the respondent Bank. When the rules framed are that any officers of the Bank has to be appointed as Enquiry Officer in any case of embezzlement or commission of any illegal act by any employee of the Bank.

15. The learned Authority Representative for the workman has referred to Section 102 and Section 28 of the Co-operative Societies Act which I am of the view that is not helpful case to the applicant.

16. The learned Authority Representative for the workman also made submission that the petitioner is not faulty. If the officer is does speak something against any one. The Court is to not look into that account. It is proved that the workman had embezzled the amount as stated above and as had been held in reference between Dattaray Trimak Kurkarni and State Bank of India, Bombay and others, cited in L.L.J. (1), 547 holding that petitioner was cashier in Bank-Certain amount found missing-Cashier reimbursing the amount-Whether he could even after that be dismissed for misappropriation-Another employee, the Branch Manager, also found guilty of the charge-Whether Branch Manager could be permitted to retire while the cashier is dismissed-Petitioner was a cashier in the respondent State Bank, when certain amount was found missing, he be reimbursed the same. Thereafter, he alongwith the Branch Manager, were proceeded departmentally for misappropriation and after enquiry, the petitioner was dismissed while the Branch Manager was allowed to retire. The petitioner challenges the action of Bank in this writ petition. The fact of reimbursement cannot oust the right of the to hold an enquiry. Probably because of reimbursement the Bank did not prosecute the petitioner in a Criminal Court. The disciplinary authority did not find any past blemish against the Branch Manager. As petition is dismissed. On the other hand the learned Authority Representative for the workman brought to my notice the case law in Darshan Jit Singh Dhindsa v. State of Punjab and others, cited in 1993 (1) SLR. 209 holding that dismissal from service without holding departmental enquiry-Enquiry dispensed with on the ground that it was not practicable to hold that enquiry-No material brought on record to justify to dispensing of enquiry-Dismissal invalid and the authority given by Division Bench of Punjab and Haryana High Court is not applicable in the present case as the enquiry was held that the applicant has embezzled the amount.

17. I am of the view that the authority of case law decided by Hon'ble High Court of Bombay holding that the management could terminate the services of the applicant because he was find to have embezzled said amount and he was thereby dismissed from the job. Further I have found so that the number of cases regarding office of the respondent and that all cases algeing embezzled. It is proved that every

employee of the Bank is probably involved in ISSUE NO. 3 :

embezzlement therefore, the learned Authority Representative for the workman also made submission that this Court has no jurisdiction. On the jurisdiction point he referred the reference between the R. Thamilarasam, J. Rajesekaran v. The Director of Handlooms and Textiles, Madras and others cited in L.L.J. (1) 1989, 588 holding that-No writ is maintainable against Co-operative Society because it is not a statutory body or an authority or agency or instrumentality of the State-Appointment of Special Officer in place of governing body of a Co-operative Society does not alter the character of the Co-operative Society.

18. This case law referred to writ petition and not hence before Presiding Officer, Industrial Tribunal/Labour Court. When the case was referred by the Labour Commissioner, it gets more strength that this Court has very much jurisdiction.

19. For the my findings above I am of the view that management had conducted fair and proper enquiry and the reference made by the workman does not stand and is liable to be dismissed and I decide both the issues against the workman and in favour of the management.

No. 14/13/87-6Lab./492.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Industrial Tribunal-cum-Labour Court, Gurgaon in respect of the dispute between the workman and the management of M/s Rubber Spares, Mehrauli Road, Gurgaon versus Tirath, Gurgaon.

IN THE COURT OF MRS. ANITA CHAUDHARY, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, GURGAON

Reference No. 20 of 1992

between

SHRI TIRATH S/O SHRI DUDH NATH C/O SHRI SHARDHA NAND, GENERAL SECRETARY, INTUC, OFFICE 214/4 MARLA, GURGAON

and

THE MANAGEMENT OF M/S RUBBER SPARES, PLOT NO. 95, MEHRAULI ROAD, GURGAON

Present :

Shri Shardha Nand, for the workman.

Shri G. C. Walleshaw, for the management.

AWARD

- In exercise of the powers conferred by clause (c) of sub-section (i) of section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana referred the service matter between the parties, mentioned

20. This issue is not pressed or argued. Hence this issue is decided against the management.

ISSUE NO. 4 (RELIEF) :

21. In view of my findings on the above issues I hold that the workman is not entitled to any relief. The reference is answered and returned accordingly, with no orders as to costs. The 11th August, 1994.

P. L. KHANDUJA,

**Presiding Officer,
Industrial Tribunal/Labour Court,
Rohtak.**

Endorsement No. Reference 7-91/2020, dated 22nd August, 1994.

Forwarded (four copies) to the Secretary to Government Haryana, Labour and Employment Departments, Chandigarh.

P. L. KHANDUJA,
**Presiding Officer,
Industrial Tribunal/Labour Court,
Rohtak.**

above, to this court, for adjudication,—*vide* Haryana Government, Labour Deptt. endorsement No. 1180—85, dated 6th January, 1992:—

2. Parties have settled the dispute. Their statements have been recorded separately. In view of the statements made by the parties, reference stands disposed off as fully settled.

Dated : 11th July, 1994.

ANITA CHAUDHARY,

Presiding Officer,

Industrial Tribunal-cum-Labour Court,
Gurgaon.

Endorsement No. 1104, dated the 25th July, 1994.

A copy is forwarded to :—

1. The Labour Commissioner, Haryana, Chandigarh.
2. The Labour Officer, Gurgaon.

ANITA CHAUDHARY,

Presiding Officer,

Industrial Tribunal-cum-Labour Court,
Gurgaon.

No. 14/13/87-6Lab./493.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of Presiding Officer, Industrial Tribunal-cum-Labour Court, Gurgaon in respect of the dispute between the workman and the management of M/s Annapurna Bread Pvt. Ltd., Gurgaon *versus* Dharamvir Gurgaon.

IN THE COURT OF MRS. ANITA CHAUDHARY, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, GURGAON.

Reference No. 160 of 1991

between

SHRI DHARAMVIR C/O SHRI MAHAVIR TYAGI, ORGANISER, INTUC, GURGAON

and

THE MANAGEMENT OF M/S ANNAPURNA BREAD PVT. LTD., BAJGERA ROAD, GURGAON

Present :

Shri Shardha Nand, for the workman.

Shri P. R. Yadav, for the management.

AWARD

1. In exercise of the powers conferred by clause (c) of sub-section (i) of section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana referred the service matter, between the parties, mentioned above, to this Court, for adjudication,—*vide* Haryana Government Labour Department Endorsement No. 23373—78, dated 28th June, 1991.

2. A. R. of the workman has made statement that he does not want to pursue this reference and withdraws the same as workman has joined his duties with the management. Statements recorded separately. In view of the statements made by the parties, reference is disposed of as fully settled/withdrawn.

ANITA CHAUDHARY,

Presiding Officer,

Industrial Tribunal-cum-Labour Court,
Gurgaon.

Dated the 11th July, 1994.

Endorsement No. 1100, dated the 25th July, 1994.

A copy is forwarded to :—

1. The Labour Commissioner, Haryana, Chandigarh.
2. The Labour Officer, Gurgaon.

ANITA CHAUDHARY,

Presiding Officer,

Industrial Tribunal-cum-Labour Court,
Gurgaon.

No. 14/13/87-6Lab./494.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Industrial Tribunal-cum-Labour Court, Gurgaon in respect of the dispute between the workman and the management of M/s. Premium Moulding and Processing Pvt. Ltd., Gurgaon *versus* Jeet Singh, Gurgaon.

N THE COURT OF MRS. ANITA CHAUDHARY, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, GURGAON

Reference No. 483 of 1992

between

SHRI JEET SINGH C/O SHRI MAHAVIR TYAGI, DISTRICT PRESIDENT,
INTUC, DELHI ROAD, GURGAON

.. Workman

and

THE MANAGEMENT OF M/S. PREMIUM MOULDING AND PROCESSING
PVT. LTD., PHASE-I, UDYOG VIHAR, GURGAON

.. Management

Present :

Shri Mahavir Tayagi, for the workman.

Shri R. S. Yadav, for the management.

AWARD

1. In exercise of powers conferred by clause (c) of sub-section (i) of section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana has referred the service matter between the parties, mentioned above, to this Court for adjudication,—*vide* Labour Department Endst. No. 46081—86, dated the 28th September, 1992.

2. Parties have settled the dispute. Their statements have been recorded separately. In view of the statements made by the parties, reference stands disposed of as fully settled.

ANITA CHAUDHARY,

The 13th July, 1994.

Presiding Officer,

Industrial Tribunal-cum-Labour Court,
Gurgaon.

Endorsement No. 1112 dated 25th July, 1994.

A copy is forwarded to :—

1. The Labour Commissioner, Haryana, Chandigarh.
2. The Labour Officer, Gurgaon.

ANITA CHAUDHARY,

Presiding Officer,

Industrial Tribunal-cum-Labour Court,
Gurgaon.